

REMARKS

Reconsideration of this application in light of the above amendments is courteously solicited.

Claim 5 has been amended so as to overcome the Examiner's rejection under 35 U.S.C. 112, second paragraph. More particularly, the typographical errors on lines 11, 13, 15 and 20 have been corrected. With regard to the Examiner's contention that there is no antecedent basis for "the valve battery body" as recited in the last line of claim 5, Applicant respectfully requests the Examiner's reconsideration. Antecedent basis is set forth on lines 18 and 19 of claim 5. In light of the foregoing, it is submitted that claim 5 now complies with the formal requirements of 35 U.S.C. 112, second paragraph.

Applicant respectfully requests the Examiner to reconsider his rejection of claim 5. The Examiner refers to element D of the '416 EP document as the insertion piece. It rejects claim 5 under 35 U.S.C. 102. The improvement portion of claim 5 sets forth the following:

"... the connection element 14 and the base 9 of the cartridge casing 3 for receiving the insertion piece 10 enables connection between connection ducts 13 and a valve battery body 12 and inlet openings in the base 9 and the base 9 as provided with seal means 11 insulating the

connection element from an inner space of the valve battery body..."

It is not seen how the Examiner reads the '416 EP patent on the foregoing limitations which constitute the improvement and patentable features of the present invention. The Examiner's action is not complete and does not clearly point out how the Examiner is reading the reference on the foregoing limitations.

It is respectfully submitted that the '416 patent does not teach the improvement as set forth above and in the last six lines of claim 5. Accordingly, it is believed that claim 5 patentably distinguishes over the '416 document whether taken alone or in combination with the EP 980 document.

In light of the foregoing Applicant respectfully requests the Examiner reconsider his position.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on May 6, 2002
(Date of Deposit)
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Respectfully submitted,

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Version with markings to show changes made to the claim

5. (Amended) Valve battery cartridge used for mixing cold water and warm water, comprises two discs (5,6) arranged one above the other to form a plane sealing together, wherein the lower disc (6) is a stationary inlet disc and the upper disc (5) is a control disc which is displaceable and rotatable on the inlet disc; where the control disc (5) is in mechanical connection with a driving arm (1) pivoted in a lever holder (2) through a ceramic moving element (4), the lever holder (2) is rotatably arranged in a cartridge casing (3), the base (9) of the cartridge casing (3) is formed with a connection element (14) for [recovery] receiving at least one insertion piece (10), wherein an opening for receiving the insertion piece is the connection element [in] is formed in a direction which is substantially parallel with a longitudinally axis of the cartridge, the [movement] improvement comprising the connection element (14) in the base (9) of the cartridge casing (3) for receiving the insertion piece (10) enables connection between connection ducts (13) in a valve battery body (12) and inlet openings in the base (9) and the base (9) is provided with [seals] seal means (11) insulating the connection element from an inner space of the valve battery body (12).